

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA**

In the Matter of the Application of:

Randy J. Sarmiento

For an Applicator License

**STIPULATION FOR A
PROBATIONARY LICENSE**

Randy John Sarmiento, applicant for a structural pest control applicator license (hereinafter applicant or respondent), and Kelli Okuma, Executive Officer, Structural Pest Control Board (Board), hereby stipulate as follows:

1. This applicant is not presently licensed as a structural pest control applicator, field representative or an operator with the Board in the State of California.
2. On November 29, 2010, the applicant submitted an application for applicator's license. Question number 11 on the application asked: "*Have you ever been convicted of a felony or of a misdemeanor other than minor traffic infractions?*" The applicant checked the box marked "yes" next to question number 11 and wrote "2 felonies in 2006-07 – 4 misdemeanors in 2006-07". The applicant signed the application, attesting that he had read and understood the complete application and declared that all of the information contained in his application was true and accurate.
3. The applicant was convicted October 11, 2005 – El Cajon, California, of the following misdemeanor: 11377(A) HS – Possess controlled substance. Defendant was sentenced to 3 years summary probation and 30 days in jail.
4. The applicant was convicted January 25, 2006 – El Cajon, California, of the following misdemeanor: 415(1) PC – Fight in a public place. Defendant was sentenced to 3 years probation and 8 days in jail.
5. The applicant was convicted February 17, 2006 – El Cajon, California, of the following misdemeanor: 11377(A) HS – Possess controlled substance. Defendant was sentenced to 3 days in jail, fine and work program.
6. The applicant was convicted September 20, 2006, El Cajon, California, of the following felony: 496(D) PC – Attempt to commit; 496 PC – Stolen property. Defendant was sentenced to 3 years formal probation and 180 days in jail. Violated probation and was sentenced to 365 days to run concurrent with Case No. SCE270278.

7. The applicant was convicted May 16, 2007, San Diego, California, of the following felony: 459 PC – Burglary of a vehicle. Defendant was sentenced to 3 years formal probation and 365 days in jail.
8. The applicant was convicted August 13, 2008, El Cajon, California, of the following misdemeanor: 23152(B) VC – Driving under the influence. Defendant was sentenced to 5 years summary probation and 180 days in jail.

ORDER


Applicant, Randy J. Sarmiento is hereby granted a probationary Applicator's license. The license is placed on three years probation on the following terms and conditions:

1. Compliance with all provisions of the Business and Professions Code, Division 3, Chapter 14, Structural Pest Control Operators, and California Code of Regulations, Title 16, Professional and Vocational Regulations, Division 19. Applicant shall obey all laws and rules relating to the practice of structural pest control.
2. Obey all Local, State and Federal laws.
3. Quarterly Reports. Applicant shall file quarterly reports with the Board during the period of probation.
4. Tolling of Probation. Should Applicant leave California to reside outside this state, Applicant must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
5. Notice to Employers. Applicant shall notify all present and prospective employers of the terms, conditions and restrictions imposed on Applicant by said Order. Within 30 days of the effective date of this Order, and within 15 days of Applicant undertaking new employment, Applicant shall cause his employer to report to the Board in writing acknowledging the employer has read the Order in this matter.
6. Completion of Probation. Upon successful completion of probation, Applicant's applicator license will become fully effective.
7. Violation of Probation. Should Applicant violate probation in any respect, the Board, after giving Applicant notice and an opportunity to be heard, may revoke the probationary license through an administrative hearing process.
8. Field Representative's License. Should Applicant apply for a field representative license and pass the examination, the Board shall issue a field representative license, which shall be immediately placed on probation for the same duration and under the same terms and conditions as set forth in this Order.


ACCEPTANCE

I have carefully read the Order. I understand the Order and the effect it will have on my applicator license. I enter into this Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Board.

DATED 5-13-11


Randy J. Sarmiento
Applicant

This Stipulation for a Probationary Applicator License shall become effective
on June 15, 2011


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION